

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-25 are currently pending in this application. The independent claims 1, 8, 17 and 21 have been amended to specify that the data pump is provided separately from the base stations. This is clearly depicted in Figures 1 and 4. Figure 2 depicts a locational overlap, but this is clearly stated as, "... a local network WLAN22, which provides the data pump function. ..."

Paragraph [0020] (published paragraph [0014]) describes:

"...a plurality of selectively-placed base stations 13 and a plurality of selectively-placed data pumps 14 ... configured to provide localized data transfer ... [and] considered to be localized base stations."

Paragraph [0035] (published paragraph [0029]) unambiguously describes establishing links with two different network types:

"... Not dropping channel assignments is desirable so as to enable re-connection immediately after the data transfer. Once the data transfer is complete, the link between the WTRU 15 and the data pump 14 is torn down. If the handover was hard then the link to the network 10 is re-established."

The use of data pumps separate from the network base stations is generally described throughout the specification. In particular, the specification describes the data pump in terms of, "The cellular network 10 comprises...base stations 10 and a plurality of selectively placed data pumps 14." (published paragraph [0014]).

Accordingly, the limitation describes the configuration of the invention as set forth in the original specification and no new matter is presented. In the Office Action, claims 1, 2, 4-11, 21 and 22 were rejected under 35 USC §102 as anticipated by US Patent No. 6,603,966 (Sheffield). This rejection is respectfully traversed. Sheffield describes a system in which geolocation data is combined with wireless connection data in order to provide an indication of signal coverage for a cellular switch. The cellular network uses a base station (RBS 16) which includes a packet data function (CPCD network equipment 16A). The packet data function is located at the base station and is used to collect data such as geolocation data obtained by the mobile unit.

Applicant's claims, as now presented, specify the use of a data pump which is separate from the cellular network base stations. This is distinct from the system described by Sheffield, in which the packet data function is an integral part of the cellular network, and moreover is located at the base station. Sheffield's configuration precludes the use of the cellular system notifying that the WTRU is within range of the data pump because the WTRU is in fact presumed to already be in communication with the base station which the CPCD network equipment is located. Instead, Sheffield describes the ability to indicate which services are available from the particular base station.

In contrast, Applicant provides the WTRU with data which permits the use of a separate data pump for data purposes. This is facilitated by notifying the WTRU of the presence of such a data pump in accordance with a detected geolocation. The fact that the WTRU can provide the geolocation data does not add to such a database.

Claim 1 defines "... at least one data pump provided as a separate unit from ...base stations ... wirelessly transferring information ...whereby said connection is automatically established when said WTRU is within a certain range of said data pump." It is submitted that this clearly distinguishes the present invention from the prior art of record.

Claims 8, 17 and 21 further define, "...a database including location information for localized base stations ... providing high data transfer rates..." (See claims 8 and 21. Claim 17 is similar.) This is distinguished from the configuration depicted in and described in Sheffield. Specifically, Sheffield's system uses a base station which includes the packet data function. There is no database for indicating to the WTRU that the WTRU is approaching a particular "localized base stations providing high data transfer rates". Instead, the packet data function is used to obtain the data regarding location and coverage.

Regarding claim 2, the use of the GPS receiver in Sheffield cannot describe a use of the GPS to indicate location of the WTRU within range of a separate set of data pumps. Instead, Sheffield specifically uses the GPS to provide geolocation data relevant to reception of the primary network base stations. Likewise, regarding claims 4, 10, 11 and 22, since Sheffield does not associate the WTRU with the location of data pumps, there cannot be a determination or prediction of location of the WTRU vis the data pumps. Accordingly, these claims further distinguish the claimed invention from the prior art of record.

Regarding claims 5-7, 9 and 21, there are two issues which preclude Sheffield from meeting the limitations of these claims. First, the Sheffield arrangement uses data concerning the particular base station, and limited to signal propagation and location. Second, there is no suggestion that cached data can be uploaded from a data pump or for that matter from a base station. Accordingly, these claims further distinguish the claimed invention from the prior art of record.

In the Office Action, claim 3 was rejected under 35 USC §103 as obvious over Sheffield, taken in view of US Patent No 5,970,414 (Bi, et al.). This rejection is respectfully traversed. Bi, et al. is used to show a method of geolocation of mobile stations.

There is no suggestion in either Sheffield or Bi, et al. to use geolocation to determine the proximity of a WTRU to a data pump. If anything can be derived

from the cited combination, one would have a determination of the proximity of the WTRU to the cellular network base station providing the information in the first place. This would be useful for cellular network operations, but "teaches away from" the concept of using geolocation to indicate the proximity of the WTRU to the data pump. Therefore, one would require the teachings of the present invention ("hindsight reasoning") to provide the geolocation information as a form of a proximity indication of the WTRU to the data pump.

In the Office Action, claims 12-16, 18-20 and 23-25 were rejected under 35 USC §103 as obvious over Sheffield, taken in view of well-known prior art. This rejection is respectfully traversed. Examiner notice is taken that a mobile station can make requests before transferring information. This does not suggest that such requests can be used to provide advance file transfer data to data pumps. The use of advance information of that sort would suggest that the advance data transfer request be transmitted to or from the device making the transfer.

There is no prior art suggestion that an advance transfer request be effected through a first wireless system, such as a cellular network, prospectively for execution through a second wireless system, such as a data pump for execution at a time when the link through the second wireless system is established.

Applicant: Shah et al.
Application No.: 10/629,506

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 25, is in condition for allowance and a notice to that effect is respectfully requested.

It is noted that the network coordination described in claims 23-16, 19-20 and 23-25 require the use of a separate connection in the manner defined in the independent claims. These connections are neither shown nor suggested by Sheffield, and therefore there can be no such handoffs suggested by Sheffield.

Conclusion

It is therefore submitted that the application, as presently amended, defines patentable subject matter. Therefore, the application is in a condition for allowance. Such allowance at an early date is respectfully requested.

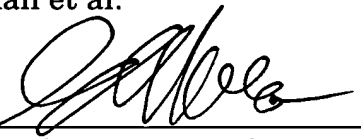
If the Examiner feels that a conference will expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned. To that end, an Examiner's amendment to this case would be welcomed and appreciated.

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The foregoing is believed to be a complete response to the outstanding office action.

Respectfully submitted,

Shah et al.

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Enclosure